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09/741,048	12/21/2000	Yoshihiro Yamaguchi	0879-0295P	5515

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EXAMINER	
HERNANDEZ, NELSON D	
ART UNIT	PAPER NUMBER
2622	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	09/741,048	YAMAGUCHI, YOSHIHIRO	
	Examiner	Art Unit	
	Nelson D. Hernández Hernández	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 September 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *25,28,30-34,50 and 55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *25,28,30-34,50 and 55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 December 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The Examiner amendments made to the claims filed on September 24, 2008.

Claims 1-24, 26-27, 29, 35-49 and 51-54 have been canceled.

Response to Arguments

2. Applicant's arguments, see pages 7-8, filed September 24, 2008, with respect to the rejection of **claims 25, 27, 28, 50, and 55** under 35 U.S.C. 103(a) have been fully considered and are persuasive. However, upon further consideration, a new ground of rejection is made in view of a newly found prior art.

2. Therefore, this Final Office Action is made to replace the Final Office Action mailed on June 25, 2008, which was made Final because the amendments made to **claims 9 and 25** filed on April 24, 2008 in response to the Non-Final Office Action (mailed on January 28, 2008) required further search and consideration. Therefore, this Office Action will be made Final.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 25, 28, 50 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belucci, Patent 5,913,542 B1 and Yamamoto et al., JP 06-123917 A in view of Sakamoto, US Patent 6,333,993 B1 and further in view of Ho et al., US Patent 6,661,907 B2.

Regarding claim 25, claim 25 is written as a Markush type claim by using the expression "…based on any or more of a comparison of the each area with a reference background area, a size of the each area, or an average coordinate of the pixels of the each area" (see lines 10-11), meeting one species of a genus family anticipates the claimed subject matter. "A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus." The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

Belucci discloses a method for processing an image, comprising: determining a background area of an image (Belucci discloses that the background is normalize or deleted when processing the image, by teaching this, Belucci discloses determining the background area since it has to be detected prior to deletion; col. 4, lines 7-19 and col.

5, lines 15-36); determining a person area of the image as an area of the image other than the background area of the image (Belucci discloses presenting the image of the person only by deleting the background area, by doing this, Belucci discloses that the person area is other that the background area; col. 4, lines 8-19 and col. 5, lines 15-36); and sizing the image such that a size of person area of the image is a predetermined person area size (Belucci teaches resizing the size of the image separated of said subject so as to fit the area required for the photo of the ID card (Col. 4, lines 8-19; col. 5, lines 15-49).

Belucci does not explicitly disclose sizing the image based on a size of the person area of the image such that the size of the person area is a predetermined person area size and separating the image into a plurality of areas; determining whether or not the each area of the plurality of areas belongs in the background area based on any one or more of a comparison of the each area with a reference background area, a size of the each area, or an average coordinate of the pixels of the each area; and that the reference background area includes at least one corner of the image and wherein the step of determining whether or not the each area of the plurality of areas belongs in the background area based on the comparison of the each area with the reference background area includes determining that the each area belongs in the background area if a difference between an average luminance value of the pixels of the each area and an average luminance value of the reference background area is within a predetermined luminance difference threshold and a difference between an average chromaticity value of the pixels of the each area and an average chromaticity value of

the reference background area is within a predetermined chromaticity difference threshold, or a difference between an average red (R) value of the pixels of the each area and an average R value of the reference background area is within a predetermined R difference threshold, a difference between an average green (G) value of the pixels of the each area and an average G value of the reference background area is within a predetermined G difference threshold and a difference between an average blue (B) value of the pixels of the each area and an average B value of the reference background area is within a predetermined B difference threshold; and that said step of separating the image into the plurality of areas comprises: comparing properties of adjoining pixels of the image; and determining that two adjoining pixels belong in the same area if the compared properties of the two adjoining pixels are less than predetermined thresholds for each property compared.

However, Yamamoto teaches an identification photo system (See figs. 1 and 3) that obtains image data for an identification photo of a person (See fig. 5: 50a) from image data of the person, said identification photo system comprising: an automatic correcting (Fig. 1: 33) device that automatically corrects the image data of the person, wherein said automatic correcting abstracts a person area (See Translation, page 4, ¶ 0014), compares a size of the person area in said image data with a predetermined size, and changes the size of an image based on the size of the person area so that the size of the person area is the predetermined size (See translation, page 2, ¶ 0006 – page 3, ¶ 0007; page 4, ¶ 0014 and ¶ 0019 – page 5, ¶ 0020). Comparing a size of the person area in said image data with a predetermined size, and changing the size of an

image based on the size of the person area so that the size of the person area is the predetermined size is advantageous because it would produce in more detail the photograph with which the face image became specification size about the equipment, which produces the photograph used for certification, such as a passport and a license.

Therefore, taking the combined teaching of Belucci in view of Yamamoto as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Belucci by sizing the image based on a size of the person area of the image such that the size of the person area is a predetermined person area size. The motivation to do so would have been to produce in more detail the photograph with which the face image became specification size about the equipment, which produces the photograph used for certification as suggested by Yamamoto (See Translation, page 2, ¶ 0001).

The combined teaching of Belucci in view of Yamamoto fails to teach separating the image into a plurality of areas; and determining whether or not the each area of the plurality of areas belongs in the background area based on any one or more of a comparison of the each area with a reference background area, a size of the each area, or an average coordinate of the pixels of the each area; and that the reference background area includes at least one corner of the image and wherein the step of determining whether or not the each area of the plurality of areas belongs in the background area based on the comparison of the each area with the reference background area includes determining that the each area belongs in the background area if a difference between an average luminance value of the pixels of the each area

and an average luminance value of the reference background area is within a predetermined luminance difference threshold and a difference between an average chromaticity value of the pixels of the each area and an average chromaticity value of the reference background area is within a predetermined chromaticity difference threshold, or a difference between an average red (R) value of the pixels of the each area and an average R value of the reference background area is within a predetermined R difference threshold, a difference between an average green (G) value of the pixels of the each area and an average G value of the reference background area is within a predetermined G difference threshold and a difference between an average blue (B) value of the pixels of the each area and an average B value of the reference background area is within a predetermined B difference threshold; and that said step of separating the image into the plurality of areas comprises: comparing properties of adjoining pixels of the image; and determining that two adjoining pixels belong in the same area if the compared properties of the two adjoining pixels are less than predetermined thresholds for each property compared.

However, Sakamoto discloses the concept of separating the a target image from the image background by comparing the a plurality of areas (See fig. 13) of the image data with a reference background area (the surroundings are assigned with a value representing the probability that certain area is a background area as shown in fig. 13; it is shown that the corner value is believed to have the highest probability of being background. The rest of the image is compared with the corners as background reference values since the corners are the most probable to be background in the

image); and determining each of the plurality of areas to be a part of the background area based on the comparison (Col. 4, line 65 – col. 5, line 28; col. 47, line 5 – col. 50, line 24), and wherein the reference background area includes at least one comer area of the image data (the corners are used for the comparison since the corners are believed to have the higher probability of being background) (Col. 4, line 65 – col. 5, line 28; col. 47, line 5 – col. 50, line 24). Sakamoto also discloses a modification of the embodiment (See col. 54, line 37 – col. 55, line 32; ; see also col. 55, line 35 – col. 56, line 64) that comparing of the each area with the reference background area includes determining that the each area belongs in the background area if a difference between an average red (R), an average green (G) and an average blue (B) value of the of the reference background area (R, G, B) value of the pixels of the each of the reference background area is within a predetermined R difference threshold, G difference threshold, and B difference threshold (Col. 4, line 65 – col. 5, line 28; col. 47, line 5 – col. 50, line 24; col. 54, line 37 – col. 55, line 32; see also col. 55, line 35 – col. 56, line 64).

Therefore, taking the combined teaching of Belucci in view of Yamamoto et al. and further in view of Sakamoto as a whole, it would have been obvious to one of an ordinary skill in the art at the time the invention was made to modify Belucci and Yamamoto et al. to separate the image into a plurality of areas; and determining whether or not the each area of the plurality of areas belongs in the background area based on any one or more of a comparison of the each area with a reference background area, a size of the each area, or an average coordinate of the pixels of the

each area; and that the reference background area includes at least one corner of the image and wherein the step of determining whether or not the each area of the plurality of areas belongs in the background area based on the comparison of the each area with the reference background area includes determining that the each area belongs in the background area if a difference between an average red (R) value of the pixels of the each area and an average R value of the reference background area is within a predetermined R difference threshold, a difference between an average green (G) value of the pixels of the each area and an average G value of the reference background area is within a predetermined G difference threshold and a difference between an average blue (B) value of the pixels of the each area and an average B value of the reference background area is within a predetermined B difference threshold. The motivation to do so would have been to allow detection and abstracting of the image data using the original image, thus having a second image with a particular color stored in memory would not be required to be used as a reference and to accurately separate the background from the target image by using multiple values as oppose to using only the brightness, thus even when the average brightness of the background is similar to the average brightness of the target, the target can be differentiated from the background based on the intensity of at least one of the separate colors.

The combined teaching of Belucci in view of Yamamoto et al. and further in view of Sakamoto fails to teach that said step of separating the image into the plurality of areas comprises: comparing properties of adjoining pixels of the image; and determining that two adjoining pixels belong in the same area if the compared

properties of the two adjoining pixels are less than predetermined thresholds for each property compared.

However, Ho et al. discloses a method of detecting skin color regions in an image, wherein a first particular pixel is selected and compared to its neighbor pixels to determine whether their values are similar to said particular pixel, if the other pixels are determined to be similar they are added to the region, so that the region is increasing every time a different pixel is determined to have a similar value based on thresholds (T) for the three different colors, the pixels being similar colors if the difference is les that said threshold (col. 3, line 57 – col. 4, line 38) (although at some point, after a region is determined, the pixels are compared with the average value of the region, however, the process is started with a singular pixel. Ho et al. further discloses that when a new pixel is found to be different from the value of the region, said pixel would start a new color region; col. 4, lines 33-38. This reads on the limitations "*comparing properties of two adjoining pixels of the image; and determining that the two adjoining pixels belong to the same area if the compared properties of the two adjoining pixels are less than predetermined thresholds for each property compared*" since the process starts with comparing a first pixel with a second one; col. 3, line 57 – col. 4, line 38). Ho et al. further discloses that after the regions are created prior to determine whether the determined regions have skin colors in order to detect the face of a person and having the face separated from the background (Col. 4, lines 39 - col. 5, line 42).

Therefore, taking the combined teaching of Belucci and Yamamoto et al. in view of Sakamoto and further in view of Ho et al. as a whole, after acknowledging the

advantages of comparing the pixels to adjacent pixels to determine whether a pixel belong to a particular region that would allow to accurately determine the location of the face, background or objects areas in an image as taught in Ho et al., it would have been obvious to one of an ordinary skill in the art at the time the invention was made to modify the teaching of Belucci, Yamamoto et al. and Sakamoto to compare properties of adjoining pixels of the image and determining that two adjoining pixels belong in the same area if the compared properties of the two adjoining pixels are less than predetermined thresholds for each property compared. The motivation to do so would have been to improve the image processing method by reducing the presence of false positives when detecting either the face or background areas in the image when the background of the image has similar color properties as the face area as suggested by Ho et al. (Col. 4, lines 39 - col. 5, line 42).

Regarding claim 28, limitations can be found in claim 25.

Regarding claim 50, the combined teaching of Belucci and Yamamoto et al. in view of Sakamoto and further in view of Ho et al. as discussed and analyzed in claim 25 teaches allowing a user to select the predetermined person area size from a plurality of predetermined person area sizes prior to sizing the image, wherein in the step of sizing the image comprises sizing the image based on the selected predetermined person area size (See Yamamoto et al., Translation, pages 2-3, ¶ 0007; see also page 2, ¶0002). Grounds for rejecting claim 25 apply here.

Regarding claim 55, limitations can be found in claim 25.

5. Claims 30 are 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belucci, Patent 5,913,542 B1, Yamamoto et al., JP 06-123917 A and Sakamoto, US Patent 6,333,993 B1 in view of Ho et al., US Patent 6,661,907 B2 and further in view of Daly, US Patent 6,173,069 B1.

Regarding claim 30, the combined teaching of Belucci and Yamamoto et al. in view of Sakamoto and further in view of Ho et al. fails to teach that the step of determining whether or not the each area of the plurality of areas belongs in the background area based on the size of the each area includes determining that the each area belongs in the background area if the size of the each is greater than a predetermined maximum area or less than a predetermined minimum area.

However, Daly teaches a method of detecting the face of a person in an image, wherein the face area belongs to and circle area with a radius larger than the radius of a circle (See fig. 3: 50) but less than the radius of a larger circle (See fig. 3: 52) (See col. 7, line 37 – col. 8, line 15; col. 8, line 16 – col. 9, line 45) (By teaching this Daly teaches that the areas outside the circle 52 and inside the circle 50 are considered background).

Therefore, taking the combined teaching of Belucci, Yamamoto et al. and Sakamoto in view of Ho et al. and further in view of Daly as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the identification photo system by determining whether or not the each area of the plurality of areas belongs in the background area based on the size of the each area includes determining that the each area belongs in the background area if the size of the each is greater than a predetermined maximum area or less than a predetermined

minimum area. The motivation to do so would have been to accelerate the process of detecting facial and background areas since said facial and background areas are identified using larger regions as opposed to a pixel-by-pixel comparison.

Regarding claim 31, the combined teaching of Belucci, Yamamoto et al. and Sakamoto in view of Ho et al. and further in view of Daly as applied to claim 30 teaches that the step of determining whether or not the each area of the plurality of areas belongs in the background area based on the average coordinate of the pixels of the each area includes determining that the each area belongs in the background area if the average coordinate of the pixels of the each area is outside of a predetermined oval or circle with the center of the oval or the circle at the center of the image (See Daly, circle in the center of the image as shown in fig. 3 and oval in the center of the image as shown in fig. 7) (See Daly, col. 7, line 37 – col. 8, line 15; col. 8, line 16 – col. 9, line 45).

6. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Belucci, Patent 5,913,542 B1, Yamamoto et al., JP 06-123917 A and Sakamoto, US Patent 6,333,993 B1 in view of Ho et al., US Patent 6,661,907 B2 and further in view of O'Brill, Patent 5,937,081.

Regarding claim 32, the combined teaching of Belucci and Yamamoto et al. in view of Sakamoto and further in view of Ho et al. fails to teach abstracting a facial area based on the person area.

However, O'Brill teaches an image composition system wherein a camera takes an image of a person (Fig. 1: 12) and the composition system separates the image of the

person's head from the body and the background (See flow chart in fig. 6) so as to change the person's clothes (i.e. shirt and pants) according to the body type of said person (Col. 5, line 49 – col. 6, line 47).

Therefore, taking the combined teaching of Belucci, Yamamoto et al. and Sakamoto in view of Ho et al. and further in view of O'Brill as a whole, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the identification photo system by abstracting a facial area based on the person area. The motivation to do so would have been to avoid having to require a person to have a specific type of clothes to be photograph with the system, facilitating the system to combine the subject with different accessory items as suggested by O'Brill (Col. 1, lines 56-61).

7. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Belucci, Patent 5,913,542 B1, Yamamoto et al., JP 06-123917 A, Sakamoto, US Patent 6,333,993 B1 and Ho et al., US Patent 6,661,907 B2 in view of O'Brill, Patent 5,937,081 and further in view of Fujimoto, US Patent 6,035,074.

Regarding claim 33, the combined teaching of Belucci, Yamamoto et al. and Sakamoto in view of Ho et al. and further in view of O'Brill fails to teach that the step of abstracting the facial area based on the person area comprises determining that an area of the person area is the facial area when a color of the of the area is determined to be a skin pigmentation color.

However, Fujimoto discloses an image processing apparatus in communication with a camera or a scanner (Col. 2, lines 59-65; col. 6, lines 3-9; col. 7, lines 24-31), said camera comprising an external input controlling section (Fig. 3: 15) for the camera or scanner, wherein said image processing apparatus extract the face of a subject in the image using face recognition by comparing the colors in the whole input image (See figs. 6-10) with skin colors stored in a RAM (Fig. 3: 11) or ROM (Fig. 3: 12), the image processing apparatus also comprises a frame forming section (Fig. 4: 11-7) for forming a frame having a size such that the face image pickup area can be embraced in the frame in response to the designation of the face image pickup area; and a face image cutting section (Fig. 4: 11-4) for cutting out an area enclosed in the frame, wherein the recognized face image is cut out in accordance with the size of the face image; Fujimoto also discloses that the method can be applied to ID photography (See col. 4, lines 12-24; col. 12, line 65 – col. 13, line 3) (Col. 1, line 64 – col. 2, line 29; col. 3, line 26 – col. 5, line 23; col. 6, lines 3-53; col. 7, line 24 – col. 8, line 4; col. 8, line 46 – col. 9, line 64; col. 12, line 49 – col. 13, line 3).

Therefore, taking the combined teaching of Belucci, Yamamoto, Sakamoto and Ho et al. in view of O'Brill and further in view of Fujimoto as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the identification photo system by determining that an area of the person area is the facial area when a color of the of the area is determined to be a skin pigmentation color. The motivation to do so would have been to help the identification photo system to

create ID photography without taking a photograph of the single human object as suggested by Fujimoto (Col. 4, lines 19-23).

8. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Belucci, Patent 5,913,542 B1, Yamamoto et al., JP 06-123917 A, Sakamoto, US Patent 6,333,993 B1, Ho et al., US Patent 6,661,907 B2 and O'Brill, Patent 5,937,081 in view of Fujimoto, US Patent 6,035,074 and further in view of Nishikawa, Patent 5,296,945.

Regarding claim 34, the combined teaching of Belucci, Yamamoto, Sakamoto and Ho et al. in view of O'Brill and further in view of Fujimoto fails to teach correcting the facial area to a target skin pigmentation color.

However, Nishikawa discloses an identification photo system (Fig. 2) that obtains image data for an identification photo of a person (Fig. 2: 22) from image data of the person, said identification photo system comprising an automatic correcting device (Fig. 2) that automatically corrects the image data of the person (Col. 3, line 66 – col. 4, line 13; col. 6, lines 40-56; col. 9, lines 42-65), wherein the automatic correcting device corrects at least one of density, color balance, luminance and saturation of an image of the person (Col. 5, lines 56-65; col. 6, lines 47-66). Nishikawa also teaches that the automatic correcting device comprises: a skin pigmentation area abstracting device (detection point setting unit in fig. 2: 52) that abstracts a skin pigmentation area from the image; a skin pigmentation correction value calculating device (comparator in fig. 2: 58) that calculates skin pigmentation correction values according to colors of the skin

pigmentation area abstracted by said skin pigmentation area abstracting device and a predetermined skin pigmentation correction target value (stored in standard color memory in fig. 2: 56); and a color correcting device (look-up table in fig. 2: 60) that corrects the colors of the skin pigmentation area according to the skin pigmentation correction values calculated by said skin pigmentation correction value calculating device (the look-up table is used to correct the colors based on the result of the comparator) (Col. 3, line 66 – col. 4, line 13; col. 5, line 66 – col. 6, line 7).

Therefore, taking the combined teaching of Belucci, Yamamoto, Sakamoto, Ho et al. and O'Brill in view of Fujimoto and further in view of Nishikawa as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the identification photo system by correcting the facial area to a target skin pigmentation color. The motivation to do so would have been to provide a video ID photo printing apparatus and a complexion converting apparatus capable of stabilizing picture quality on a print or a monitor without being influenced by an illumination light source, controls of control means of a video image pickup apparatus, and printing characteristics of a video printer and without requiring very difficult controlling operations of video image pickup equipment as suggested by Nishikawa (Col. 2, lines 5-13).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernández Hernández whose telephone number is (571)272-7311. The examiner can normally be reached on 9:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nelson D. Hernández Hernández
Examiner
Art Unit 2622

NDHH
October 3, 2008

/Lin Ye/

Supervisory Patent Examiner, Art Unit 2622